

Bethel & Liberty Farmland Protection Plan Committee Meeting, July 28 2009.

John Schmidt	Robert Blais	David Biren
Denise Frangipane	Nan Stolzenburg	Don Meltz
Melinda Ketcham	Jennifer Mall	Willie Hughson
Nelson Hector	Dan Sturm	Jennifer Young
Joe Walsh	Jill Weyer	Peter Stettner

Next Meeting Tuesday, August 25 at 8 pm. Bring your recommendations for the zoning laws, subdivision laws and comprehensive plans!

Nan: Any questions from looking over the zoning audits?

Q: Have Nan and Don applied Bethel's new zoning map to the buildout and audit?

A: No, not yet. There are some small changes, notably the golf course. Nan and Don will do that.

Q: Can Nan and Don also apply Liberty's proposed zoning to the buildout and audit?

A: Yes. That's a somewhat larger project. DPEM will send the shapefiles to Don.

Nan:

These regulatory strategies (zoning, comp plan, and subdivision proposed changes) are just one type of strategies we will come up with. Later on, we will come up with incentives, economic development, marketing, and other strategies to protect and enhance agriculture.

The idea behind the zoning audit is to make your town's regulations as farm-friendly as possible, given your priorities and desires. And to remove any impediments to agriculture (either existing farms or potential start-ups).

Our Farmland Protection Plans can be incorporated into your comprehensive plans as an addendum.

You might also propose a local law to amend some of your zoning text, based on the recommendations we make in the Farmland Protection Plans.

Tonight we'll break up and run through some of the most significant suggestions I have for your zoning laws, subdivision laws, and comprehensive plans.

Town Discussions:

Bethel:

Nan went over some of the main points of her audit. See the audits for more detail.

Definitions: discussion of the importance of definitions. Our plan can recommend that the towns change or add some definitions. We can also propose the actual language that we would like to see in the definitions. Define every term that people might use when they approach the planning board. This helps potential farmers move through the process, without dealing with umbrella terms like "farm" which are subject to interpretation by the planning board.

Note that the definition of a farm for our FPP won't necessarily be the same as the definition in the zoning code. For example: we have discussed whether a farm for the FPP must be a commercial operation, or whether to include hobby farms, etc. But the PB and ZBA must consider definitions carefully: If you live in an ag district, and have 2 goats, are you a farm? If so, then you won't need to go before the PB when you want to build a sludge lagoon, harvest timber, or do any of the other things that are afforded to farmers without PB review. So the question for us is: do we want to regulate hobby farms differently than commercial farms? And is there a chance that people will call themselves a farm just to take advantage of these provisions? (for example, a developer could buy a parcel, say he's going to start a farm and grow oranges, get the ag assessment, and then say that he failed at growing oranges so now he's going to clearcut and subdivide). Be on the lookout for loopholes.

Another question re: definitions. If you broaden the definition of a farm, and more people get ag assessments, then what happens to the tax rolls? Good question. But farming is a good use of the land, as we have agreed. And it shows that, as a town, you care about agriculture.

Use tables: It's important that terms (farm stand, you-pick operation, etc.) are defined, but that each term is included in the use tables.

Some planners prefer to keep definitions to a minimum, because the more you define, the more you exclude in some cases. This is up to the towns. But for our plans, Nan's preference would be to define everything for the protection of existing farmers and to help new farmers.

High intensity animal operations: all four towns' definitions are much more restrictive than CAFO regulations (in other words, our towns set lower thresholds for farmers, so a smaller operation would be considered a high intensity operation). When you're more restrictive than CAFO, you run the risk of an applicant complaining to NYS Ag and Markets. The question for you is, do you want these agricultural operations to go through the hoops you've set up for them?

Conservation Subdivision: open space definition for conservation subdivisions should include prime soils or soils of statewide significance.

All applicants (for site plan, subdivision, etc.) should be required to identify whether their project lies within an ag district. This keeps agriculture in the minds of applicants and municipal boards.

Accessory buildings: Discussion of balancing farm protection with neighbor concerns, regarding accessory buildings. Accessory buildings for worker housing on farm parcels can be required to undergo site plan review. Ag and Markets has a sample site plan review process for this purpose, which is somewhat expedited so it doesn't burden farmers. Nan will send it out to the committees.

Density: if the buildout doesn't reflect a development capacity that meets your goals for agriculture, then Nan offers some suggestions (see audit- TDR, average lot density, etc.)

Liberty: Zoning Audit

3. Definition for stable, commercial.

There is a difference between a commercial stable and a horse farm.

Should the definition of a commercial stable be related to the size of the lot?

5. Silo height.

Silo height is limited to 140% of the district's height regulation. Depending on the district, this would mean between 49 and 84 feet.

Should the AC district (or any other district where ag is a principal permitted use) be exempt from this regulation?

Does this height restriction also apply to wind turbines?

7. Intensive poultry and swine.

Is there a list of farms in the County that qualify as CAFO operations? Do they need to register somewhere?

8. Chicken and meat processing.

Small processing facilities are acceptable in the ag district as part of a farm (in other words, as an accessory use to the farm or ag operation). So they're not regulated as industrial enterprises.

9. Stables.

Can/ should the Town define "Keeping of Animals"? This might help clarify those operations that are subject to certain regulations.

10.c. Agriculture as a specifically allowed use on preserved open space in a cluster development.

Certain types of ag are compatible, but others (which emit foul odors) may not be.

10.d. Recreational uses on open space.

We could de-emphasize active recreational uses, or just specifically allow a variety of open space uses.

14. Use Table.

14.A.2. "Farm stand" should be clarified—it's a different thing to be a farmer who operates a farm stand, than to have the farm stand as your principal business.

14. Density Suggestions.

14.B. Average Lot Density: How do you govern further subdivision of larger lots?

14.B. Mandating conservation subdivision for certain subdivisions: some committee members feel that conservation subdivision design techniques should be mandated for ALL subdivisions.

For density ideas: Town of Victor, NY (near Rochester): which techniques have been most successful?